

REMARKS

The Official Action mailed November 15, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on September 22, 2003; December 10, 2003; March 19, 2004; August 10, 2004; and August 29, 2005. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-41 and 50-67 are pending in the present application, of which claims 1-6, 12-14, 50 and 51 are independent. Independent claims 1-6, 12-21, 25-28, 31-35, 39-41, 50-59 and 63-67 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action provisionally rejects claims 1-41 and 50-67 under the doctrine of obviousness-type double patenting over claims 1-17 of copending Application Serial No. 10/659,585. In response, the Applicants respectfully request that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in either the present application or the copending application. At such time, the Applicants will respond to any remaining double patenting rejections.

The Official Action rejects claims 1-41 and 50-67 as anticipated by U.S. Patent Publication No. 2002/0009818 to Yoshimoto. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

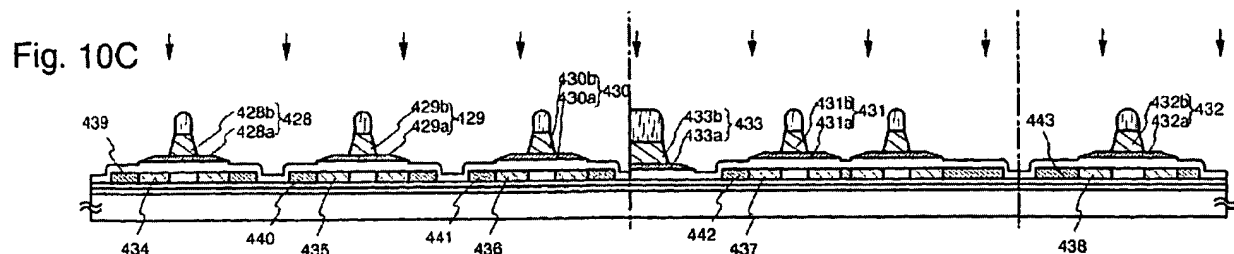
As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a

single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1, 2, 5, 12 and 50 have been amended to recite that a width of a conductive barrier film is 30 to 40 μm and that a width of a wiring containing Cu as its main component is 5 to 20 μm , which is supported in the present specification, for example, at page 5, lines 19-21. Specifically, the present specification discloses that a width of a top surface of a conductive barrier film is not aligned with that of a wiring containing Cu as its main component, and the width of the conductive barrier film is 30 to 40 μm and the width of the wiring containing Cu as its main component is 5 to 20 μm . Although Yoshimoto appears to disclose that a width of a top surface of the conductive barrier film is not aligned with that of a wiring containing Cu as its main component, Yoshimoto does not teach that the width of the conductive barrier film is 30 to 40 μm or that the width of the wiring containing Cu as its main component is 5 to 20 μm , either explicitly or inherently.

Independent claims 3, 4, 6, 13, 14 and 51 have been amended to recite a conductive barrier film on a conductive film. For example, the present specification discloses a conductive barrier film (TiN, TaN, WN etc) on a conductive film (Ti) and a wiring containing Cu as its main component over the conductive barrier film (e.g. Figure 11A).

On the other hand, Yoshimoto discloses a second conductive layer 428a (allegedly a conductive barrier film) on a gate insulating film 416 and a first conductive layer 428b (allegedly a wiring containing Cu as its main component) over the second conductive layer 428a (Figure 10C, reproduced below).

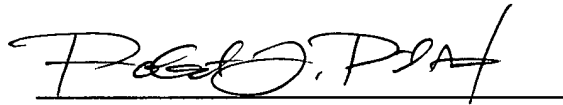


Yoshimoto does not teach that second conductive layer 428a should be formed on a conductive film, either explicitly or inherently. Therefore, Yoshimoto does not teach a conductive barrier film on a conductive film.

Since Yoshimoto does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", written over a horizontal line.

Robert L. Pilaud
Reg. No. 53,470

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789